AN ESSAY
CONCERNING
PARLIAMENTS
AT A
CERTAINTY;
OR,
The KALENDS of *MAY*.

By *SAMUEL JOHNSON.*

Vice Cotis fungar. Horace.

The Second Edition.

LONDON;
Printed for the Author. MDCXCIV.

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TO THE

Barons and Commons

Of *ENGLAND*

In Parliament Aſſembled.

May it pleaſe your Honours.

YOU either knew more of the Matter contained in theſe Papers, or leſs, or the ſame. If you knew more, I ſhould be glad to ſee it in your Laws which you mean to Eſtabliſh: Or which is better, in your Declaration of

the Conſtitution. If not; no Body can find fault with my poor Office of bearing a Light, but they that have very ill Eyes.

I am the known Servant of You, and of my whole Country,

Samuel Johnſon.

AN

AN ESSAY
Concerning Parliaments at a Certainty.

CHAP. I.

Shewing that the Frequent meeting of Parliaments is the Baſis of our Conſtitution, and the True of the Government; and that the Intermiſſion of them is Inconſiſtent with the Body of the Engliſh Law.

IF a Man would have an entire View of the Engliſh Conſtitution, he muſt have recourſe to thoſe Able and Approved Authors who have written Purpoſely on that Subject. For it is a Rule, *Parva eſt Authoritas aliud Agentis*; and what is ſaid by the by, is of leſs Weight, than what is profeſſedly handled; provided it have been Maturely conſidered, by a Competent Judge of that Matter of which he treats. And in this kind we do not find a Man better Qualified than the Learned Lord Chancellor *Forteſcue*, who was an Aged Lawyer, and had been Lord Chief Juſtice of *England* when he wrote his Book *de laudibus Legum Angliæ*, which was on purpoſe in a Dialogue with the Prince of *Wales*, to inform him of the Nature of the Engliſh Conſtitution, and to let him know by what Sort of Laws the Realm, in which he was to Succeed his Father, was to be Governed. And therefore he adjures him over and over again to Addict himſelf to the Underſtanding of the Laws of his Father's Realm, wherein he was to Succeed, *Fol.* 16. *a.* and having ſhewed the Prince the Different nature of Realms, where a King could Tyrannize, and where he could not, being reſtrained

ſtrained by Politick Laws, *Fol.* 26. *b.* Rejoyce therefore (ſays he) moſt excellent Prince and be glad, That the Law of the Realm in which you are to ſucceed is Such, for it ſhall exhibit and miniſter to You and your People no ſmall Security and Comfort.

But out of that excellent Book which I believe no way Warped, (for then it muſt lean towards the Court, partly becauſe of the Flattery and Officiouſneſs which is too often found in Dialogues with Princes, and partly becauſe the Author was retained on the Crown ſide by the Greateſt Office in *England*;) I will confine my Self to thoſe Paſſages only which relate to the Frequency of Parliaments. And the firſt I meet with is in his 18*th* Chap. concerning the Statutes of *England* in theſe words. " Et ſi Statuta hæc, tantâ ſolemnitate & prudentiâ edita, efficaciæ tantæ, quantæ conditorum cupiebat intentio, non eſſe contingant: *Concitò* reformari ipſa poſſunt, at non ſine Communitatis & Procerum Regni illius aſſenſu, quali ipſa primitùs emanarunt. And if theſe Statutes fall ſhort of their intended Efficacy, though deviſed with ſuch great Solemnity and Wiſdom of Parliament; they may very Quickly be Reformed, but not without the Aſſent of the Commons and Peers of the Realm, which was their Source from the beginning.

Now I only deſire that the word *Concitò* may be taken notice of, which is the quickeſt Word that can be imagined, and ſhews that our Parliaments were always at Hand; and the whole Paſſage ſhews for what Wiſe and Juſt Reaſons they were ſo.

The next Paſſage is Chap. 53. *Fol.* 129. *a.* " Neque Leges Angliæ frivolas & infructuoſas permittunt inducias. Et ſiquæ in Regno illo dilationes in Placitis minùs accommodæ fuerint uſitatæ, in Omni Parliamento amputari illæ poſſunt: etiam & Omnes Leges Aliæ in Regno illo uſitatæ, cum in aliquo *Claudicaverint*, in Omni Parliamento poterunt Reformari. Quo recte concludi poteſt, quod *omnes Leges Regni illius Optimæ ſunt in actu vel potentiâ*, quo faciliter in actum duci poterunt & in Eſſentiam realem. Ad quod faciendum, quoties æquitas

" tas id popoſcerit, ſinguli Reges ibidem Sacramento aſtringun-
" tur, ſolemniter præſtito tempore receptionis Diadematis ſui.
Neither do the Laws of *England* allow in Law-ſuits frivolous and fruitleſs Delays. And if in this Kingdom Delays in Pleas which are not to the purpoſe ſhould be uſed, they may in every Parliament be cut off. Yea, and all other Laws uſed in the Realm, when they *Halt* or are Defective in any point, they may in every Parliament be ſet to Rights. Whereupon it may be rightly Concluded, that the Laws of *England* are the Beſt in the World, either Actually or Potentially, ſince they can eaſily be brought into Act or Being. To the performance whereof, as often as Equity ſo requireth, Every King is bound by an Oath ſolemnly taken at the time of receiving his Crown.

Out of this laſt Paſſage I will not trouble you with any more Obſervations than theſe;

Firſt, That Parliaments are the Remedy againſt Delays in Law-Proceedings: But how if Parliaments themſelves ſhould be Delayed?

Secondly, That if any or all our Laws ſhould Halt, and our Parliaments at the ſame time ſhould be Crippled too, and not be able to come together; they could not help one another.

In the next and laſt Chapter of that Book, *Fol.* 129. *b.* the Prince immediately replies. " *Princeps.* Leges illas, nedum
" bonas ſed & optimas eſſe Cancellarie, ex proſecutione tuâ in
" hoc Dialogo certiſſimè deprehendi. Et ſiquæ ex illis melio-
" rari depoſcant, id *Citiſſimè* fieri poſſe, Parliamentorum ibidem
" Formulæ nos erudiunt. Quo realiter, potentialiterve, Reg-
" num illud ſemper præſtantiſſimis Legibus gubernatur. Nec
" tuas in hâc concionatione doctrinas futuris Angliæ Regibus
" inutiles fore Conjicio; dum non delectent regere legibus quæ
" non delectant. Says the Prince, My Lord Chancellor by the Tenour of your Diſcourſe in this Dialogue I am throughly ſatisfied, that the Laws of *England* are not only Good, but the Beſt in the World. And in caſe any of the Laws want to be mended or improved, the Rules of the Engliſh Parliaments do

inſtruct

inſtruct us, That that may be done forthwith. Whereupon the Realm of *England* is always Governed by the very beſt Laws, either in Reality or in Poſſibility. And beſides I conjecture that the Doctrines that have been held forth in this Dialogue will be very uſeful to the Kings of *England* that ſhall come hereafter; ſince no Body likes to Govern by Laws which they do not like.

After all theſe Lauds and Praiſes of the Engliſh Laws, which the Chancellor has ſtuck all over with Stars quite through his Book, and has made their Perfection to Center in this, that they either Are or Soon may be the Beſt in the World, becauſe in caſe they labour under any defect, that Fault may be Immediately amended by a wiſe Senate: What if that wiſe Senate be no where to be found, or is at no Certainty? It is then Impoſſible to render the Chancellor's Latin into Engliſh. For the ſpeedy Perfection of the Engliſh Laws which the Prince and he are agreed is *Conciò & Citiſſimè*, may be rendred, either at the Four Years end, or the Twelve Years end, or at the World's end. For ſo I am ſatisfied it was meant, after a Ten Year's Interval of Parliaments, if the Herb-woman at *Edinburgh* had not thrown her Cricket-ſtool at the Arch-Biſhop's Head. And ſo Dr. *Heylin* I remember does not ſo much acknowledge that Secret as Juſtify it. It is in his little Book of Obſervations upon *Hammond L'Eſtrange*'s Hiſtory of the Reign of K. *Charles* I. Says *Hammond*, upon the Diſſolution of that wiſe Parliament in 28. (to whom we owe the Petition of Right) All wiſe Men concluded that there was an end of all Parliaments. Yes, ſays *Heylin*, ſo they might well, the King having been troubled with their Impertinencies, and having an Example in *France* before his Eyes, where Parliaments have been ſo much diſcontinued, that it is become a Proverb amongſt them, *Voyons le Jeu de Trois Eſtats*, as the ſtrangeſt Sight which can be ſeen in an Age. I have not the Book now by me, but I will be anſwerable for the Subſtance of this Quotation, having retained this Paſſage in my Head above theſe Five and Twenty Years.

I can only touch ſeveral other Arguments which might be enlarged upon. The High Court of Parliament is the Dernier Reſort in this Kingdom; and if that fail, there may be a failure of the Engliſh Juſtice.

Bracton ſays of an Ambiguous or Difficult Cauſe, *Reſpectuetur ad magnam Curiam*; but unleſs Parliaments be Frequent, ſuch a Cauſe is Adjourned to a long Day.

Every Body that underſtands the Engliſh Conſtitution knows that it is exactly the ſame as it was laid down in Parliament 8 *Ed.* 4. by the Lord Chancellour that then was. You have it in Sir *Robert Cotton's* Abridgment of the Rolls in the *Tower*, *p.* 682. in theſe words. " He then declared the three Eſtates to com-" prehend the Governance of this Land, the Preheminence " whereof was to the King as chief, the ſecond to the Lords and " Biſhops, and the third to the Commons. Now if we are at a loſs or uncertainty about our Parliaments, we are at a loſs or uncertainty about two thirds of our Government.

But I will ſay no more upon this Head, intending to ſhew in the following Chapters, how the matter of Parliaments ſtood in former Ages.

CHAP. II.

Shewing how Parliaments ſtood in King Alfred's *Time, and afterwards.*

I Chuſe to begin with this Period of Time in King *Alfred's* Reign, becauſe we have clear Law and Hiſtory to ſhew how Parliaments ſtood in his Time, and what Law was Ordained concerning them for ever.

It is in the Mirror of Juſtice, which as my Lord *Coke* ſays in his Preface to his Tenth Reports, was written in the Saxon Times, and it appears by the Book it ſelf: But ſeveral things were added to it by a Learned and Wiſe Lawyer *Andrew Horne*, who lived in the Reign of *Ed.* 1. and *Ed.* 2. Antiquity enough for

a Book, we deſire no more; for we are ſure that no Commonwealths Man had the Penning of it.

The words of the Myrror are theſe, *p.* 10. " Pur le eſtate " del Royalme fiſt l' Roy Alfred aſſembler les Comitees, & ordeigne pur Uſage Perpetuelle, que a deux foits per l'An " ou pluis-ſovent, pur meſtier, en tempes de peace ſe aſſembleront a Londres pur Parliamenter ſur le guidement del " people d' Dieu, comment gents ſe garderent de peche, " viverent en quiet, & recieverent droit per certaine uſages & " ſaincts judgements. Per cel eſtate ſe fierent pluſiours ordinances per pluſors Royes jeſque al ore Roy; Les quells " Ordeinances ſont diſuſes per meins ſages, & pur default que " elles ne ſont my miſe en eſcript & publies en Certeine. For the Good Eſtate of the Realm, K. *Alfred* cauſed the Counties to Aſſemble, and Ordained it for a Perpetual Uſage, that at Two Times yearly, or oftner if need were, in Time of Peace, they ſhould aſſemble at *London*, to ſit in Parliament, for the Guidance of God's People, how the Nation ſhould keep themſelves from Sin, live in Quiet, and receive Right by certain Uſages and holy Judgments. By this Eſtate were made many Ordinances by ſeveral Kings down to the King that is now; (which ſays the Margin was *Edward* the Firſt): which Ordinances are diſuſed by ſome that are not ſo wiſe, and for want that they are not put into Writing and publiſhed in Certain.

In this Paſſage the Two Times a Year ſeem to be Stationary; the Calling a Parliament Oftner than Two Times a Year *if need were*, is plainly intended for Contingencies of State, and when the *Ardua Regni*, or Extraordinary Affairs of the Nation require an Extraordinary Parliament. I ſay, and will make out to all the World, by Laws and Declarations of Parliament, that the King has a Power of calling Parliaments within the Law; But I never did, nor never will ſay to the end of my Life, that the King can hinder Parliaments Appointed by Law. Theſe Frequent Parliaments were to meet at *London* in Time of Peace. We ſee then what has interrupted our Parliaments both as

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to Time and Place. For *London* was after in the hands of the Dane, and Foreigners Wars and Tribulations came on.

But the beſt way is to let an Author explain himſelf, which the *Mirror* does in telling us likewiſe the Abuſions of the Law, or the Contrarieties and Repugnancies to Right, or as he calls it, the Fraud and Force which is put upon Law. This way of writing Law is the beſt that can be invented, for it is the way of Preaching by Poſitive and Negative, which is a two-edged Sword, and cuts both ways. And the Truth of it is, the Negative part of the Law, which lies in a little Compaſs, oftentimes teaches us a world of the Poſitive. For inſtance the 33 Articles in the Roll, 1 *H.* 4. *m.* 20. which K. *Richard* the 2*d* ſolemnly acknowledged of his own Male-adminiſtration, do give us more light into the Conſtitution, than a Book of ſix times the bigneſs could do.

But to come to the Abuſions of Law which are in the *Mirror*, p. 282. He ſays, that the Firſt and Sovereign Abuſion is for the King to be beyond the Law, whereas he ought to be ſubject to it, as is contained in his Oath: Though the ſecond is my Buſineſs, which is in theſe words. 2. "Abuſion eſt, que ou les "Parlaments ſe duiſſent faire pur le ſalvation des Almes de "treſpaſſors, & ceo a Londres & deux foits per An, la ne ſe "font ils forſque rarement, & a la Volunt le Roy pur aides & "cuillets de treſore. Et ou les Ordinances duiſſent faire al "Common aſſent del Roy & de ſes Counties la le ſe font ore "per le Roy & ſes Clerks; & per aliens & autres que noſent "contravener le Roy; eins deſirent de luy plaire; & de luy "Counſeller a ſon profit, tout ne ſoit my le Counſel Cove-"nable al Commons del People, ſans appeller les Counties, "& ſans enſuer les Rules de droit, & dount pluſores Ordi-"nances ſe foundent ore pluis ſur Volunt, que ſur Droit. The ſecond Abuſion of the Law is, that whereas Parliaments ought to Convene for the Salvation of the Souls of Treſpaſſors, and this at *London*, and Two Times in the Year, now a days they meet but ſeldom, and at the Will of the King for Aids and

Gatherings of Treaſure: And whereas Ordinances ought to be made by the Common Aſſent of the King and his Counties, now they are made by the King and his Clerks, and by Aliens and others that dare not Contradict the King, but deſire to Pleaſe him, and to Counſel him for his own Profit, though it be not Counſel which is Convenient for the Commons of the People; without applying to the Counties, and without following the Rules of Right; Whereupon there are ſeveral of the preſent Ordinances that are rather founded upon Will, than upon Right.

From this Paſſage I ſhall only obſerve, that the Place of a Parliament's meeting is Fixed, and ſtill at *London*; And that the Two Times a Year was ſtanding Law down to King *Edward* the Firſt, though Abuſions and Court-Practices had broken in upon the Law.

Now let us ſee how the Law ſtood afterwards; wherein I can only conſult the Books I have by me, for I have not Health enough to go and Tranſcribe the Records in the *Tower*, but take them upon Content as they lie in Sir *Robert Cotton*'s Abridgment of the Records in the *Tower*. And there in the very firſt Page, 5 *Edw.* 2. it is Ordained, " *Que Parliament ſerra tenus un* " *on deux foits per An.* That a Parliament ſhall be held one Time or Two Times a Year. Here you ſee the Twice a Year is dwindled into Once or Twice.

The next is *p.* 93. of the ſame Book, 36 *Ed.* 3. " The Print " touching the Yearly holding of a Parliament, *cap.* 10. agree- " eth with the Record. Now the Print is, " *Item*, for Main- " tenance of the ſaid Articles and Statutes, and Redreſs of di- " vers Miſchiefs which Daily happen, a Parliament ſhall be " holden every Year, as another time was Ordained by Statute.

Now that Statute, as I find by the Statute-Book, for I cannot find it in Sir *Robert Cotton*, is thus, 4 *Edw.* 3. *cap.* 14. " *Item*, it is accorded, that a Parliament ſhall be holden every " Year Once, and more Often if need be.

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By the Reaſon given in the 36 *Edw.* 3. *cap.* 10. juſt now recited for a Yearly Parliament, one would think it ſhould be a Daily Parliament; becauſe it is for the Maintenance of former Statutes, and Redreſs of divers Miſchiefs which Daily happen: But I believe that a Parliament which Sits but Forty Days in the Year are able to do that Work; Concerning which we will enquire further afterwards.

In the 50 *Ed.* 3. *p.* 138. The Parliament's Demand or Petition is this, " That a Parliament may be holden every Year; " the Knights of the Parliament may be choſen by the whole " Counties; and that the Sheriff may likewiſe be without " brokage in Court.

The King's Anſwer is this. " To the Parliament, there are " Statutes made therefore; To the Sheriffs there is anſwer " made; To the Knights it is agreed, that they ſhall be choſen " by common Conſent of every County.

After theſe Three Laws in *Ed.* 3*d*'s Time, we come to the Firſt of King *Richard* the Second, *p.* 163. where the Petition or Demand for a Yearly Parliament is this. " That a Parlia- " ment may be Yearly holden in convenient place, to redreſs " Delays in Suits, and to end ſuch Caſes as the Judges " doubt of.

The King's Anſwer is. " It ſhall be as it hath been uſed.

In the 2 *R.* 2. *p.* 173. By the King's Commandment one Cauſe of opening the Parliament is Declared to be this. " Secondly, for that it was enacted that a Parliament ſhould " Yearly be holden.

Nay, if the Court inſiſt upon a Yearly Parliament, the Country may and ought.

Thus ſtood the Law of *England* till the 16 *Caroli* 1. when that King having diſcontinued Parliaments for Twelve Years, and created a Diſtruſt of him in the Breaſts of his People which was Juſt; (for if a Prince ſpoil the Government for Twelve Years together, who ſhall Truſt him in the Thirteenth?) The Nation found a Neceſſity of having a Cautionary Parliament every Third Year, to ſecure their Annual Parliaments for the

Two

Two Years immediately foregoing. This is the true Reaſon of the Act for a Triennial Parliament, which was a perfect Innovation both Name and Thing. For I challenge any Antiquary, Lawyer, or Perſon whatſoever that has turned over Books, to ſhew me the word Triennial joined to the word Parliament, from the Foundation of this Government till the Year 1640. A Triennial Parliament therefore is ſo far from being the Conſtitution of this Government, that if it were ſo, a great number of our preſent Lords and Commoners are Older than the Conſtitution, and were Born before it. But as I ſaid before, that Act was only a Cautionary Act, as a Town or Gate of a City is taken in Caution, for performance of Articles. This appears by the firſt thing which is Enacted in that Law, namely, *That the Laws for a Parliament to be holden at leaſt once a Year, ſhall hereafter be duly Kept and Obſerved.* Scobel's *Coll.* 16 *Car.* 1. *cap.* 1.

This Act was Gently drawn up, and had more of a Proſpect than a Retroſpect, and does not look back into thoſe Oppreſſions which King *Charles* himſelf in his large Declaration of *Auguſt* the 12*th* does acknowledg were Inſupportable; which were wholly owing to this long Intermiſſion of Parliaments: but it wiſely provides, that in caſe the two firſt Years Parliaments ſhould fail, then came a Peremptory Parliament, which the King and Keeper might call if they pleaſed; but if they did not, the Counties and Burroughs of *England* were forced to ſend. It is an Act that executes it ſelf, like our Act for Burying in Woollen; and he that will ſee the Wiſdom of it, may read it where I have quoted it.

After this comes the Act 16 *Car.* 2. *cap.* 1. and repeals this Triennial Act, becauſe they ſay, " It is in Derogation of his " Majeſty's juſt Rights and Prerogative, inherent to the Im- " perial Crown of this Realm for the Calling and Aſſembling " of Parliaments; whereupon the Triennial Act is Annulled as if it had never been made.

I wiſh it had never been made. But we will ſtop there firſt. It is annulled as if it had never been made: There is nothing loſt by that; for then our Parliaments are where they were, which was Due Annual.

Well now let us ſee what Alteration is made by this New Act, 16 *Car.* 2. which follows in theſe words, *Sect.* 3. "And be- "cauſe by the Ancient Laws and Statutes of this Realm, made "in the Reign of K. *Edward* the 3*d*, Parliaments are to be "held very often, (that is once or twice a Year) Therefore they ſhall not be Diſcontinued above Three Years at the moſt. I do not uſe to Admire Conſequences which I do not underſtand. But under favour, I would be taken right. I ſay, that the Recital of the Ancient Laws of this Realm does not Repeal them, Diſannul them, *anneantir*, any thing, nothing; when there is not one *Repealing* Word concerning them in that Statute. 4 *E.* 3. *c.* 14. 36 *E.* 3. *c.* 10.

I knew what I ſaid when I wiſhed the Triennial Bill of Forty had never been made; and it muſt be remembred that that Act is as if it had never been made; For it gave occaſion to ſome Men that came in with the Deluge of the Reſtauration, when it rained Cavaliers, (though I value all Mens Rights more than my own, and Princes moſt becauſe they are biggeſt) and it prompted them to think of turning a Cautionary Triennial, into a Diſcretionary. But God be thanked they wanted Words to expreſs themſelves; and if they meant it, they have not done it.

But ſo as they did put the Act together, and as it now ſtands, there are ſeveral things in it worth obſerving. 1*ſt*. That *if there be occaſion there ſhall be more and oftner* Parliaments, than once in Three Years. Now I ask for whoſe ſake was that Clauſe Enacted? Not for the King's, for he was always enabled by his Prerogative, for the ſake of the *Ardua Regni*, to call a Parliament every Month in the Year: Well then it was for the ſake of his People, that if they judged *there was Occaſion for more or Oftner* Parliaments, they might ask for them. For I

appeal

appeal to Common Senſe, whether it be not Ridiculous, and wonderfully beneath the Dignity of a Parliament, when a Prince was bound by his Coronation-Oath to Call a Parliament Once a Year, or oftner if need were, (for ſo the Law ſtood, and ſo this Prince was at that time Bound) to Interpret a Law after ſuch a manner, as to ſay he was Enabled to call a Parliament Oftner than once in Three Years.

So much for that Point; the next is this. The Upſhot of this Act of Parliament, and the Concluſion of the whole Act is in theſe words. " To the end, there may be a frequent Cal-" ling, Aſſembling, and Holding of Parliaments once in Three " Years at the leaſt. I do ſay, that if ever we came to Low-water Mark in our Laws about Parliaments, and if ever they run Dregs, it was in the Time of *Charles* the 2*d*. And yet it was enacted, and was the End of that Law, that One ſhould be Called, Once in Three Years at the leaſt. Now I leave it to the Lawyers to tell, whether a Proclamation can call a Parliament, or any thing elſe beſides a Writ of Summons and a Writ for Elections?

And thus have I run through the Law of Parliaments till t'other Day, and conſidered what is the Law at preſent. From King *Alfred*'s Time down to *Edward* the Firſt, it ſeems to have been the ſtanding Law to have Parliaments Twice a Year. I know that the Invaſions of ſeveral Nations both Danes and Normans, and the Revolutions and Diſturbances of State which happened, muſt needs cauſe frequent Interruptions in the practice of it. But my reaſon to be of that Opinion is this, becauſe *Horne* who lived in thoſe Times, ſays, That Parliaments at that Time ought to meet twice a Year, and that at *London*; and that the Intermitting of Parliaments was the Greateſt Abuſion of the Law but one. Though I think I have ſtill a Greater Authority than *Horn*'s, (if any thing in this World can be bigger than that of an Able and Honeſt Man); But it is a King in his Letter to the Pope. It is in the Clauſe Rolls *Anno* 3. *Ed.* 1. *m.* 9. *Cedula.* and is to be ſeen in *Prynne*'s large Book *p.* 158.

158. I will quote no more of it than is for my purpoſe. It is concerning the Yearly Tribute of a Thouſand Marks which the Popes from K. *John*'s Time claimed, and there were ſeveral Years Due. The Pope's Nuncio ſollicites the Matter, but the King excuſes himſelf that he had come to no Reſolution in his *Eaſter*-Parliament, but by Common Advice he would give him an Anſwer in his *Michaelmaſs*-Parliament next following. At preſent I only mind the wording and way of expreſſing theſe two Parliaments. Concerning the Firſt, he ſays, " In Parliamen- " to quod circa Octabas Reſurrectionis Dominicæ celebrari in " Anglia Conſuevit. In a Parliament that Uſed to be held in *England* about the Octaves of *Eaſter*. That word *Conſuevit* amounts to Cuſtom and Uſage, and ſeems to expreſs a Parliament *de More*. He ſays, That the Parliament *was in Octabis*, and by Occaſion of his Sickneſs, (after they had made ſeveral good Laws, and redreſſed many Grievances, but not all that lay before them) for the Reaſon aforeſaid, That Parliament was Diſſolved, and the King could not treat with them about the Pope's Petition of Tribute. But he promiſes to do the Pope Reaſon in his *Michaelmaſs*-Parliament which he intended.

Now let us ſee how that is expreſs'd; " Pro firmo ſcituri, " pie Pater & Domine, quod in alio Parliamento noſtro quod " ad feſtum Sancti Michaelis pror. futur. intendimus, dante " Domino, celebrare, habito & communicato conſilio cum Prælati- " tis & Proceribus memoratis, vobis ſuper præmiſſis, ipſorum " conſilio dabimus reſponſionem. Know for certain, Pious Father and Lord, That in another Parliament of Ours which we intend to hold at *Michaelmaſs* next enſuing, with God's leave; We and the Prelats and Peers aforeſaid conſulting together, according to their Advice will give you an Anſwer upon the Premiſſes.

But I will ſay no more upon this Head, being intent upon another.

CHAP. III.

Shewing, That the Yearly Parliaments were Freſh and Freſh.

THERE are ſeveral ways of proving that there was a New Election every Year. They tell me there are Writs extant for New Elections for Fourſcore Years Succeſſively, where there are but about Six wanting. What if they had been all loſt, imbezelled or made away? What then, is our Conſtitution loſt, when Bundles of Writs are loſt? No, I will go no further than this laſt Letter to ſhew that there is a great Appearance that while there were Two Parliaments in a Year, the Second muſt be new Called. Though I hate the word New applied to a Parliament; for a Parliament is a Parliament, and our Anceſtors would no more have dream'd of a Stale or Old Parliament, than of an Old Moon cut out into Stars. I will cite the words of King *Edward*'s Letter, dated the 19*th* of *June* in the third of his Reign, and when that's done, let the Reader make his own Judgment upon them.

It was in the Interval betwixt his *Eaſter* and his *Michaelmaſs*-Parliament. " Set antequam eidem Parliamento propter ne-
" gotiorum multitudinem quæ reformationis remedio indige-
" bant finem imponere valeremus, eodem Capellano veſtro
" reſponſionem debitam ſibi fieri inſtanter poſtulante, quædam
" gravis nos invaſit, ſicut Domino placuit, infirmitas Cor-
" poralis, quæ perfectionem multorum aliorum negotiorum, &
" deliberationem petitionis Cenſus annui ſuprædicti, de quo
" dolemus non modicum, impedivit; ſicque cum occaſione in-
" firmitatis hujuſmodi, a qua per Dei gratiam, cujus eſt peri-
" mere & mederi, incepimus convaleſcere, idem Parliamen-
" tum fuerit diſſolutum, & ſuper hoc nequiverimus ſuper peti-
" tione Cenſus ejuſdem deliberationem habere cum Prælatis
" & Proceribus antedictis. To this Senſe. But before we could put an end to that Parliament, becauſe of the Multitude of

of Grievances which lay before them, your Nuncio in the mean time diligently Solliciting your Buſineſs, a great Diſtemper as it pleaſed God befel me, which hindered the finiſhing of many other Matters, and treating about the Petition of the Yearly Tribute, which is a great Grief to me; and ſo by reaſon of my ſaid Illneſs, (from which by the Grace of God, in whoſe Hands are the Iſſues of Life and Death, I begin to Recover) That Parliament was Diſſolved, and hereupon I could not Treat with the Prelates and Peers aforeſaid about this Tribute.

From this long Quotation I ſhall only make this Obſervation at preſent, That in this Parliament begun in the Octaves of *Eaſter* (perhaps upon *May*-Day) there was a great deal of Buſineſs done, and a great deal of Buſineſs left undone; amongſt the reſt the Pope's, becauſe of the King's Sickneſs, who thereupon could not give Anſwers to Bills or Petitions; and that the Nuncio's Petition was Unanſwered, went to the King's Heart. But upon Occaſion of that Sickneſs it was that the Parliament was Diſſolved, and the Pope's Buſineſs hindred, to the King's great Regret. What, could not the King keep this Parliament alive till the Nineteenth of *June*, when he himſelf began to be well again, which is the Date of the Letter? It is no more than Fifty Days from their firſt ſitting down to the Date of his Letter, and yet though he ſet his Heart upon the Buſineſs that lay before that Parliament, it was Diſſolved; and to ſtop that Gap he promiſes to call Another Parliament at *Michaelmaſs*. Then it ſeems they did not underſtand the Method of Prorogations, and it is unknown to me by what Law it came in. If there be ſuch a Law, I never minded it, for I am ſpeaking of the Conſtitution, and not of Innovations.

But I believe the true Reaſon of the Abrupt Diſſolution of that Summer Parliament in Conjunction with the King's Sickneſs, was this, That if they had been held till *Michaelmaſs* though there was then to be Another Parliament, it muſt have been at the King's Charge. For I am of Opinion by what I have ſeen even as low as *Richard* the 2*d*'s Time, that the Sitting

of a Parliament was uſually Forty Days; and that the Quarantain was not duly kept in this Parliament 3 *Ed.* 1. of the Octaves of *Eaſter*. But there was a Concern in holding a Parliament above Forty Days about the Knights and Burgeſſes Wages. As appears by that Memorable Record which is in *Knyhton*, p. 2682. being the Meſſage ſent by both Houſes to K. *Rich.* 2. at *Eltham*. The words are theſe. " Dicunt etiam quod habent " ex antiquo Statuto quod ſi Rex a Parliamento ſuo ſe alienaverit ſua ſponte, non aliqua infirmitate aut aliqua alia de cauſa neceſſitatis, ſet per immoderatam voluntatem proterve ſe ſubtraxerit per abſentiam temporis 40. dierum tanquam de vexatione populi ſui & gravibus Expenſis eorum non Curans, extunc licitum omnibus & ſingulis eorum abſq; domigerio Regis redire ad propria & unicuiq; eorum in patriam ſuam remeare. In ſhort, they ſay they have an Ancient Statute for it, that in caſe the King wilfully abſent himſelf and will not come to Parliament, As having no Care of vexing his People, *nor Regard of their great Expences*, after Forty Days, they are Free to go Home, and the King has no Wrong done him.

Now what is the meaning of theſe Forty Days, but that they had waited a Juſt Seſſion? And how ſhould the Parliament-Mens Wages be otherwiſe adjuſted, when at the end of every Parliament in thoſe Times they were diſmiſſed, with deſiring them to ſue out their Writs for their Wages? And I leave it to the Antiquaries, becauſe I am not now able to Travel in that Point, to conſider how the ſeveral Proportions of Land which are allotted for the Knights and Burgeſſes in ſeveral Counties for their Wages, can be adjuſted, without a Certainty of the Length of their Seſſions.

But not a word of this is my preſent Buſineſs, which was to ſhew that Parliaments by the Conſtitution are not to be Stale; as I have ſeen one in my Time retained about Nineteen Years with Penſions, and another for fewer Years with Places and turning out of Places: But if a Parliament were corrupted neither of theſe ways, yet a ſtanding Parliament will always Stagnate,

Stagnate, and be like a Country-pond which is over-grown with Ducks-meat. The worſt King one of them that ever the Nation had, was ſo limited by the Conſtitution, that he did not know how to compaſs a long Parliament, and therefore he was fain to take other indirect Ways to gain the ſame Point as if he had one. It was *Rich.* the *2d.* who in the Articles alledged againſt him, and confeſſed by him, lets us know it was by influencing Elections and falſe Returns. The words as they ſtand in the Rolls 1 *H.* 4. *m.* 20. are theſe.

" 19. *Item*, Licet de Statuto, & conſuetudine Regni ſui in " Convocatione cujuſlibet Parliamenti populus ſuus in ſingu- " lis comitatibus regni debeat eſſe liber ad Eligendum & depu- " tandum milites pro hujuſmodi comitatibus ad intereſſendum " Parliamento, & ad exponendum eorum gravamina, & ad " proſequendum pro remediis ſuperinde prout eis videretur " expedire; tamen præfatus Rex ut in Parliamentis ſuis liberius " conſequi valeat ſuæ temerariæ Voluntatis effectum, direxit " mandata ſua frequentius Vice-comitibus ſuis, ut certas perſo- " nas per ipſum Regem nominatas ut milites comitatuum ve- " nire faciant ad Parliamenta ſua, quos quidem milites eidem " Regi faventes inducere poterat, prout frequentius fecit, quan- " doq; per minas varias, & terrores, & quandoque per munera " ad conſentiendum illis quæ regno fuerant præjudicialia, & " populo quamplurimum oneroſa; & ſpecialiter ad concedendum eidem Regi ſubſidium lanarum ad terminum vitæ ſuæ, " & aliud ſubſidium ad certos annos, ſuum populum nimium " opprimendo.

19. *Item*, Although by Statute, and the Cuſtom of his Realm in the Calling of Every Parliament in every the Counties of *England*, his People ought to be free to Chooſe and depute Knights for the ſaid Counties to be preſent in Parliament, and to lay open their Grievances, and to proſecute for Remedies thereupon as they think fit, notwithſtanding the ſaid King that in his Parliaments he might obtain his Will which was Raſh, often directed his Mandates to his Sheriffs, that they

ſhould

ſhould Return certain Perſons nominated by the King himſelf as Knights of the Shires, which Knights indeed he could make Plyable to him, and as he very often did, ſometimes by various Threats and Terrors, and ſometimes by Gifts, to Conſent to thoſe Things which were Prejudicial to the Realm, and extreamly Burthenſom to the People; and particularly to grant the ſame King the Subſidy of Wool during his Life, and another Suſidy for certain Years, thereby too much Oppreſſing his People.

Now if he could have made Long Parliaments, he need not have made uſe of theſe mean Shifts. But he could make uſe of no other way, becauſe Parliaments, as I ſaid, were Freſh and Freſh, and Antiquity knew no other. And if any Man can make out of this Authentick Record, that it was any otherwiſe, *Than ſo many Parliaments ſo many Elections*, then I have done with Writing and Reading.

CHAP. IV.

Of the Kalends of May.

AT laſt I am come to ſearch after the Head of *Nile*, and the true old Land-mark of the Engliſh Conſtitution. How Parliaments ſtood in the Britiſh times I am not ſo certain; but that there were Parliaments then, I am certain. I have it from the wiſe *Gildas*, that *Vortigern* and his fooliſh *Thaynes* ſent to the Saxons for help againſt the Picts and Scots, and took into their Boſoms a Warlike and Fierce Nation, whom at a diſtance they were afraid of. And they indeed of Courſe beat thoſe that infeſted *Severus*'s Wall, but they made mine Hoſts that invited them in, Hewers of Wood and Drawers of Water. And thoſe of the Britains that oppoſed them, the Saxons drove out of their Country, whereby as *Gildas* ſays all their Records were loſt. But out of that Venerable Author we plainly ſee, that

that the Lamentable Letter which was ſent ſome few Years before to the Senate of *Rome*, was Written by a Britiſh Parliament. For whoſe ſake I beg of all Nations not to let in Legions of Foreign Nations to be their Maſters, for when they want them and their Protection moſt, they ſhall go without it. For when the Roman Legions were withdrawn out of *Britany*, (which cauſed our Enemies to make an Inſult) and the Britiſh Parliament begg'd hard to have them return, the Roman Senate's Anſwer was, that they were otherwiſe engaged; and they muſt help themſelves as they could, which made them betake themſelves to the Saxons. A very fair Anſwer to a Nation that was diſabled and diſarmed, after their Kings and Parliaments had been only Tax-gatherers to the Romans for ſeveral Hundreds of Years; as if you have no True Lord-Mayor, you muſt ſtill have Pageants, and ſomewhat that keeps up the Shew.

But after theſe Early Times, we have ſomewhat in King *Edward* the Confeſſor's Laws, which all ſucceeding Kings have been Sworn to, which I will try what to make of. It is an Yearly *Folkmote* upon the Kalends of *May*. I do not know readily what that Yearly *Folkmote* is, becauſe thoſe Laws of *Edward* the Confeſſor ſay that King *Arthur* Invented it; *Quod Arthurus Rex inclytus Britonum invenit*. Then I am ſure the Original Name of it was not *Folkmote*. Then we will mind the Name no more, but come to the Thing.

Sir *Henry Spelman* in the Learnedeſt Gloſſary that ever was Writ, I will not except Mr. *Somner*'s, ſays thus under the word *Gemotum*. " Wittenagemot idem apud Angloſaxones quod " apud nos hodie Parliamentum, parumq; a *Folcmoto* differe- " bat, niſi quod Hoc Annuum eſſet & e certis plerumq; Cauſis, " illud ex Arduis Contingentibus & Legum condendarum " gratiâ, ad arbitrium Principis indictum. A *Wittenagemot* was the ſame thing amongſt the Engliſh Saxons, as now at this Day a Parliament is amongſt us; and a *Wittenagemote* differed little from a *Folkmote*, only that this laſt was Annual, and chiefly ſat about the ſtanding Affairs of the Nation. The other was called

at

at the King's Pleaſure upon Emergencies of State and for the ſake of making Laws.

Now let us ſee what the Learned Antiquary ſays concerning *Folkmotes* by themſelves in the ſame place, *p.* 315. " In Folc-
" moto ſemel quotannis ſub initio Kalendarum Maii (tanquam
" in annuo Parliamento) convenere Regni Principes, tam
" Epiſcopi quam Migiſtratus Liberiq; homines. Jurantur
" Laici omnes coram Epiſcopis in mutuum fœdus, in fideli-
" tatem Regis, & in Jura Regni Conſervanda. Conſulitur de
" Communi Salute, de Pace, de Bello, & de Utilitate publicâ
" Promovendâ. In a *Folkmote* Once every Year at the be-ginning of the Kalends of *May* (as in an Yearly Parliament) there Met together the Princes of the Realm, as well Biſhops as Magiſtrates, and the Freemen. All the Laymen are ſworn in the Preſence of the Biſhops into a Mutual Covenant with one another, into their Fealty to the King, and to Preſerve the Rights of the Kingdom. They Conſult of the Common Safe-ty, of Peace, of War, and of Promoting the Publick Profit.

It follows in the next words, " Adhibetur præterea Folc-
" motum in repentino omni diſcrimine, exigente etiam neceſ-
" ſitate, ſub Aldermanno (hoc eſt Comite) cujuſlibet Comi-
" tatus. Beſides a *Folkmote* is uſed in every ſuddain Danger, and likewiſe if Neceſſity require it, under the Alderman (that is the Earl) of every County.

This laſt is plainly a Provincial *Folkmote* in time of Neceſſi-ty; but the former part of the Sentence ſeems to intimate, that upon a Surprize when the King had not time to call a Parlia-ment, the laſt *Folkmote* met; as the laſt *Weſtminſter* Parliament did, to give the Prince of *Orange* the Adminiſtration, before it was Poſſible to have a Parliament Elected.

Though the former Deſcription of the General and not the Provincial *Folkmote* is our preſent Buſineſs. And at the firſt ſight it looks like a Full Parliament, for it conſiſts of the *Prin-ces, as well Biſhops as Magiſtrates, and the Freemen*; that is to ſay, the Chiefs of the whole Nation. And they are employed in

in Parliament-work, for *they Conſult of the Common Safety, of Peace, of War, and promoting the Publick Profit.* And did not the General Title of our Laws every Seſſion run thus; To the High Honour of God, and to the Profit of the Common-Wealth? If ever there were Wites in Parliament, ſure it was *Princes, as well Biſhops as Magiſtrates, and the Freemen.* Why then does this Learned Knight diſtinguiſh betwixt a *Wittenagemote* and a *Folkmote*, ſeeing they were both made up of Wites? I am governed by Things and not by Words, and am throughly ſatisfied that an Aſſembly which does Parliament-Buſineſs is a Parliament. And no doubt the *Folkmote* made Laws; for it is not to be ſuppoſed that an Aſſembly of the whole Nation ſhould ſit Conſulting Forty Days of Peace and War, of Armies and Fleets, (which in thoſe Days were Three Thouſand Ships, and were able to make out the Dominion of the Seas); of the Grievances of the Nation, and the Redreſs of thoſe Grievances; and of Providing for the Common Profit of the Realm; and after all not to be able to enact their own Concluſions. That is juſt as if our preſent Parliament ſhould ſpend Forty Days in finding out Ways and Means for the raiſing Money, and afterwards were not able to put them into a Law: Or as we Private Men uſe to Conſult and Debate, and Settle the Nation over a Diſh of Coffee, without being able to oblige one ſingle Man to our Orders.

The Thing which miſled this Great Antiquary (as I conjecture) to make this Mark of Difference betwixt a *Folkmote* and a *Wittenagemote*, as if a *Wittenagemote* made Laws and a *Folkmote* not, is this; That when the Saxon Kings iſſued out their Laws, they ſaid they had paſſed in their *Wittenagemote, Concilio Sapientum*, or Council of Wiſe Men: And it was proper for the King to call his *Folkmote* by that Name, though not for them themſelves. As for Inſtance, the Writs of Election at this Day call for ſome of the *Diſcreeteſt* to be choſen to Parliament, though the Members do not aſſume

that Title: And I know ſo much of the Old Engliſh Genius, that they would no more have called themſelves a *Witteneage-mote*, than this preſent Parliament would call their Votes which come out Day by Day, *Journal de Sçavans.*

But I will wave Conjectures even in Antiquities, (though we are there oftentimes forced to go in the Dark, to tread upon Ruins, and to feel out our Way;) becauſe I have direct Proof that the *Folkmote* made all the Laws we ever had. And for this I will go no further than to the third Branch of the Uſual and Accuſtomed Coronation-Oath taken by the former Kings of *England*, and taken twice by *Richard* the Second, 1 *Hen.* 4. Membr. 20. *inter Decem Scriptores*, p. 2746. in theſe words, ſpoken to the King by way of Queſtion. " Concedis juſtas Leges & Conſuetudines eſſe tenendas; & " promittis per te eſſe protegendas & ad honorem Dei cor- " roborandas quas Vulgus elegerit, ſecundum vires tuas? " *Reſpondebit*, Concedo & promitto. Do you grant that the juſt Laws and Cuſtoms which are of the Folks Chuſing ſhall be kept, and do you promiſe that they ſhall be Protected, and to the Honour of God receive Affirmance by you, to the utmoſt of your Power? *The King ſhall Anſwer*, I Grant and Promiſe.

Now I would fain know, How a *Folkmote* can be otherwiſe expreſſed in Latin than by the Word *Vulgus*, which is a Collective Word: Or how the *Vulgus* or Folk could chuſe Laws any otherwiſe than in a *Folkmote?*

I will not enter into the ſtiff Diſpute which exerciſed King *Charles* the Firſt and his Parliament for a long time, whether the word was *Præter Tenſe* or *Future*, and whether the Word was beſt rendred in the French Tranſlations, the Laws which the Folk *auront eſleu*, ſhall have choſen, or which the Folk *eſlieront* ſhall hereafter Chuſe; whereupon they ſaid that he was bound to Sign and Affirm all the Laws they ſhould hereafter preſent to him, and that he could not make uſe of a Negative without

without Perjury. I ſay that that whole Diſpute was not worth a Farthing. For if the Folk Choſe the Laws all along down to King *Richard* the Second's Time, and the Kings were ſworn to Affirm them, then we know how the Laws antiently were made; And who cares whether *Eſtieront* or Chooſing for the future be the Senſe of the Word or no? For if the Folks Chooſing was the Conſtitution in King *Richard* the Second's Time, then I would fain know in what King's Reign it was afterwards that the Conſtitution was altered.

In ſhort, the Folke Choſe the Laws; and I believe the Engliſh *Folkmote* and *Wittenagemote* will be found to be old *Homer's* River,

Ὃν Ξάνθον καλέεσι θεοὶ, θνητοὶ δὲ Σκαμάνδρον.

Which the Gods call *Xanthus*, but mortal Men call *Scamander*. Now though *Scamander* be the homelier Name, yet it is the ſame River.

I cannot but ſay there was ſome Difference betwixt the *Folkmote* upon the Kalends of *May*, and the *Folkmotes* which the King always called for his *Ardua Contingentia* or Contingencies of State: But the Difference lay only in this, that the *Folkmote* of the Kalends of *May* was a Parliament *de more*, and of Courſe, who Aſſembled themſelves, *ſub initio Kalendarum Maii*, ſays *Spelman*, and were bound to do ſo, *in Capite Kal. Maii*, ſay the Laws of *Edward* the Confeſſor, *cap.* 35. *de Greve*; (and out of that Chapter has Sir *H. Spelman* extracted his true Account of a General *Folkmote*, which was Anniverſary:) whereas a *Wittenagemote* or Extraordinary Parliament or *Folkmote* was Summoned at the King's Pleaſure, and was ever at his Call both for Time and Place. Other Difference I can find none. For as for the Conſtituent Parts of a *Folkmote*, if *the Princes of the Realm, as well Biſhops as Magiſtrates, and the Freemen*, cannot denominate a *Wittenagemote*, I know not where the King will find his Wites, or Wiſe-men. I have ſpoke to that Point al-

ready. I have likewiſe ſpoken to the Point of the *Folkmotes* making of Laws. We find indeed the Saxon Kings in the Preface of their Laws which were made in Extraordinary Parliaments, Decreeing with their Wites, (mid minan Witenan) ſome at *Greatanlage*, and at *Midwinter* afterwards at *Eaxceſter*, as King *Athelſtan*; ſome at Lundenbrig at the Holy Eaſterly Tide, as King *Edmund*; others at *Wodeſtock* in *Mercialand*, and others at *Wincheſter*. Whereby it appears that the Kings of *England* had a Power to Summon Parliaments when and where their Weighty Affairs required them, in all Places of the Realm, and at all Seaſons of the Year. This is an undoubted Prerogative lodged in the King for the ſake of the *Ardua Contingentia*; and no Man would Govern a Kingdom that could not Command the Advice and Aſſiſtance of his Subjects to be forthcoming, when the Occaſions of the Kingdom required it. And for the ſake of theſe *Ardua Negotia*, the Knights, Citizens and Burgeſſes are to be Impowered to Act in Parliament-Buſineſs by thoſe that ſent them; leſt for want of that full and ſufficient Power, or by means of an Improvident Election, theſe Arduous and Weighty Affairs of the Kingdom ſhould in any wiſe remain *Infecta*, or be left Undone. This is contained in the preſent Writ of Elections directed to every Sheriff of a County at every Election of Parliament-men.

But that is not my preſent Buſineſs, for I am in a further Search after the Annual or rather the Anniverſary *Folkmote*.

CHAP.

CHAP. V.

Concerning the Firſt Founder of the Yearly Folkmote *of the Kalends of* May.

BEfore I proceed any further I muſt clear one Point. And that is, that we find the Author and Founder of our Yearly *Folkmote* mentioned in the Laws of *Edward* the Confeſſor, (which were Recited and Confirmed by K. *William* the Firſt) under the Title *De Greve*, *Chap.* 35. which may poſſibly leave a Suſpicion that this Yearly *Folkmote* of the Kalends of *May* was a *Greve*'s Court. Now what Court ſhould this be, belonging to a *Greve*, or any Count or Viſcount, or Preſident whatſoever, for *Greve* is an Ambiguous Word? It is not a Burghmote, for that is Three times a Year by the Saxon Laws. It is not a County Court, for that by *Edward* the Senior's Laws, *N.* 11. was in theſe words. " Ic Wille that ælc Gereſa hæbbe " Gemot a ymb feower wucan. I will that each *Greve* have a *Gemot* at about Four Weeks. So that there were Twelve in the Year. It was not the Sheriffs Turn, or le Turne del Viſcount, for that was twice a Year; twa Scirgemot on ger, by the Laws of King *Edgar*, *cap.* 5. it is not the *Gemot* for the View of Weapons or Arms, which every Freeman in *England* was charged with, and was bound to ſhew once every Year, and, as was wiſely contrived, all in one Day throughout all *England*; but that Day was not in our Kalends of *May*, but the Morrow after Candlemaſs, *Craſtino Purificationis B. M.* And therefore I cannot for my Life make any thing elſe of an Univerſal Anniverſary Full *Folkmote*, which is but *ſemel in Anno*, *ſcilicet in capite Kal. Maii*, but a Stationary Parliament: Eſpecially conſidering who they were and what they did.

The next thing to be conſidered is the Author or Founder of this Ancient Conſtitution, which we have in the aforeſaid *Chap.*

De

De Greve, Num. 35. amongſt the Laws of Good King *Edward*. " Hanc Legem Invenit Arthurus, qui quondam fuit Inclytiſ-" ſimus Rex Brytonum, & ità conſolidavit, & conſœderavit " regnum Britanniæ univerſum ſemper in unum. This Law of the Anniverſary *Folkmote Arthur* Invented, who was heretofore the moſt Renowned King of the *Brytons*, and thereby he conſolidated, and confederated together the whole Realm of *Britany* for ever as One Man.

It is good to Honour the Founders of all Uſeful Conſtitutions; and I believe that King *Arthur* was the Inventor of this as to this Realm; becauſe theſe Laws of King *Edward* ſay ſo: And ſo was *Cadmus* the Inventor of Letters in *Greece*, though we can trace them out of *Phœnicia*; and the Letters ſpeak for themſelves. For if it be *Aleph*, *Beth*, *Gimel*, *Daleth* in one Place, and in the ſame Order it is *Alpha*, *Beta*, *Gamma*, *Delta* in the other Place, then we are ſure there has been an Underſtanding and Communication. For it is impoſſible to be otherwiſe when the Alphabets are ſettled on both Sides, by being their Numeral Letters; as it was plainly in King *David*'s Time by the Octonaries of the 119*th Pſalm*, as it ſtands in the middle of the Bible; and as it was in *Homer*'s Time in *Greece*; or elſe the Old Scholiaſts have deceived me, who ſay that *Homer* purpoſely couched the Number of all his Books in the firſt Word of his *Iliads* μῆνιν ἄειδε θεά. Which Numerals ſtand for 48. The Greeks likewiſe taught the Welch to tell Twenty, and I believe they taught the Romans too. Now by the ſame Rule, if there was a very Ancient *Folkmote* in the Neighbouring Kingdom of *France* upon every Kalends of *May*, then perhaps King *Arthur* borrowed from them; and it is good to look upon their Kalends, becauſe it is poſſible they may give Light to Ours.

The French Kalends of *May* lie thus in *Radulphus de Diceto*, a Famous Dean of *Paul*'s in King *John*'s time, whoſe Hiſtory was thought ſo Authentick, that the Engliſh Parliament, in *Edward*

Edward the Firſt's time, Relied upon his Teſtimony, amongſt ſome others, in no leſs a Point than the Claim of the King of *England*, to the Supream Dominion of the Realm of *Scotland*. As to our preſent buſineſs he has theſe Words, *Abbreviat. Chronicorum*, pag. 439.

" Abhinc *Francorum* Regibus à ſolita fortitudine & ſci- An. Dom.
" entia degenerantibus, Regni potentia diſponebatur per 662.
" Majores domus, Regibus ſolo nomine regnantibus; Qui-
" bus moris erat principari quidem ſecundum genus, & nil
" agere vel diſponere præterquam irrationabiliter edere &
" bibere domique morari, & Kal. Maii præſidere coram to-
" tâ gente & ſalutari, obſequia & dona accipere & re-
" pendere, & ſic ſecum uſque ad alium Maium perma-
" nere.

I will render the Senſe of it into Engliſh as near as I can: However the Latin lies before every Man to Tranſlate it for himſelf. From henceforward the French King's degenerating from the Valour and Learning which they uſed to have, the Power of the Kingdom was Adminiſtred by the Maſters of the Palace, the Kings themſelves being upon the Matter only Titular; whoſe Cuſtom it was to come to the Crown indeed according to their Deſcent, and neither to Act nor Order any thing, but to Eat and Drink Unconſcionably and to live at Home, and upon the *Kalends of May* to Preſide in an Aſſembly of the whole Nation, and there to be Addreſſed, to receive their Allegiances, and Aids or Benevolences, and to Remercie them, and ſo to retire to the ſame Life again till another *May* came.

This French *Kalends of May*, is ſo much a Picture of Our's, that I know not which is the Copy, nor which the Original. Their's was an Aſſembly of the whole Nation; ſo was Our's. Annual and Anniverſary; ſo was Our's. *It was tota Gens Kal. Maii*, in *France*. Our *Folkmote* looks extreamly LL. Ed. Conf. cap. 35. de Greve.

extreamly like it in thoſe two Strokes. *Statutum eſt enim quod ibi debent populi omnes, & gentes Univerſæ ſingulis annis, ſemel in anno ſcilicet convenire, ſcilicet in capite Kal. Maii.* For it was Appointed by Statute that all the People and Counties Univerſal ſhould meet together at the *Folkmote* each Year, namely, Once in the Year, namely, in the Beginnings of the Kalends of *May*. The King uſed to have fine Speeches made to him in *France*; ſo had we. They ſwore Allegiance to him; ſo did our Folk. They gave him Gifts, (it was not New-Year's tide) Aids, Benevolences, call them what you will; and our People at the ſame time, as Sir *H. Spelman* ſaid above, *Conſulted of Peace and War*, which cannot be managed without Ways and Means of raiſing Money, which is the Sinews of War, as Laws are of Peace. The word *rependere* at laſt in the French Kalends looks ſo like our French form of the Royal Aſſent given to a Money Bill, *le Roy Remercie ſes Loyals Sujects*, that I knew not how to render the word *Rependere*, any otherwiſe than I did, by the word *Remercie*.

I know that the Year 662, was below King *Arthur*'s Time; but it appears that when the French Government was utterly ſpoiled in the *Merovingian* Family, as to the other Points, ſtill they retained the old Cuſtom of the Kalends of *May*; ſo that it was of much greater ſtanding.

The

The Concluſion.

And thus I have finiſhed what I at firſt propounded; but under ſuch difficulties and diſadvantages of a broken Health, as I do verily believe never Book was Written. And for that Reaſon, I am certain that the very Great Perſonages to whom I ventured to Offer it, (though it was upon preſumption of a better Performance) will bear with it; to whom I wholly Submit it with all Deference: and if one ſingle Word of it ſhould happen to be againſt Law, I here revoke it before hand. And for the ſame Reaſon I earneſtly deſire all Antiquaries and Learned Men to look further into this Matter, becauſe I my ſelf cannot: And as they ſee Cauſe, either to Confirm or Confute my Notion, which is Indifferent to me, becauſe I only ſeek Truth. I do not ſpeak thus doubtingly concerning Annual Parliaments, for I am Poſitive in them; but if People will have the utmoſt of Antiquities, and the very Original of the Wiſeſt and Juſteſt Government in the World, they muſt ſometimes be content to Read with Letters that are ſomewhat Worn; Though I have been of Opinion for many a Year, that the Kalends of *May* were very Legible. And I am ſure that I have by this Time gained my Point, which was to ſet Wiſer Men upon Thinking.

I was afraid that this Government would float and move upon the Face of the Waters, till we were at a certainty about our Parliaments; and therefore when I waited upon my Lord *Devonſhire* before the Coronation, and it is my Fault I have not done it often ſince, I ſaid that we were never the Better for this Revolution till we had a Settlement of Parliaments, and our Ancient Right was Anniverſary Parliaments, and that nothing elſe could ſet the Go-

vernment to rights. Knowing how much he had Aſſiſted the King, and ſeeing the White Staff in his Hand, I concluded upon his Intereſt with the King, and therefore ſaid; My Lord, you may make a Complement of this Matter to the King, and tell him that we muſt have Good Laws in a Good Reign, or never, for we cannot have them in a Bad one; but the Laws made in a Good Reign are to ſupport us when a bad one comes, as the ſeven Years of Plenty in *Egypt*, ſuſtained the ſeven Years of Famine. It breaks no Rules to repeat my own Diſcourſe to his Lordſhip, and to ſay that he gave me the hearing, nor to ſay that a certain Knight pulled me by the Sleeve, which had no other Effect than to make me ſpeak the more, and the more earneſtly to my Lord in that matter.

Likewiſe when Mr. *Johnſton* the preſent Secretary of State for *Scotland*, told me in the Court of Requeſts, that the Bill of Rights was going up to the Houſe of Lords, I wiſh'd at that Time that all the Rights were reduced to One Line which was our Right, To have a Parliament every Kalends of *May*. I tell theſe old Stories to ſhew that I was always of the ſame Mind, and that no Court Neglects nor Diſappointments have Altered me; and I will Love this Court whether they will or no, for I am ſure that I laid the Bridg that brought them over, and am pretty certain that they did not come hither in Virtue of *Paſſive-Obedience*.

FINIS.

Books written by the Reverend Mr. Samuel Johnſon.

Julian the Apoſtate: Being a ſhort Account of his Life; the Senſe of the Primitive Chriſtians about his Succeſſion, and their Behaviour towards him; Together with a Compariſon of Popery and Paganiſm.

Julian's Arts to undermine and extirpate Chriſtianity: Together with Anſwers to *Conſtantius* the Apoſtate and *Jovian.*

Remarks upon Dr. *Sherlock*'s Book, intituled, *The Caſe of Reſiſtance of the Supream Power ſtated and reſolved, according to the Doctrine of the Holy Scriptures.*

Reflections on the Hiſtory of Paſſive Obedience.

A ſecond five Years Struggle againſt Popery and Tyranny; being a Collection of Papers publiſhed by the Reverend Mr. *Samuel Johnſon*, during his laſt Impriſonment of five Years and ten Days. Wherein are contained theſe following Tracts. (1.) A Sermon preached at *Guildhall-Chappel.* (2.) The Church of *England* as by Law eſtabliſhed, *&c.* (3.) Godly and wholſom Doctrine, and neceſſary for theſe Times. (4.) A ſhort Diſſwaſive from Popery, and from Countenancing and Encouraging Papiſts. (5.) A Parcel of wry Reaſons, wrong Inferences, but right Obſervator. (6.) An Oration of Mr. *John Hales.* (7.) Several Reaſons for the eſtabliſhing of a ſtanding Army, and the diſſolving the Militia. (8.) Four Chapters. 1. Of Magiſtracy. 2. Of Prerogative by Divine Right. 3. Of Obedience. 4. Of Laws. (9.) The Grounds and Reaſons of the Laws againſt Popery. (10.) An Humble and Hearty Addreſs to all the Engliſh Proteſtants in King *James*'s Army. (11.) The Opinion, that Reſiſtance may be uſed in caſe our Religion and Rights ſhould be invaded. (12.) The Trial and Examination of the New Teſt of the Church of *England*'s Loyalty. (13.) Reflections upon the Inſtance of the Church of *England*'s Loyalty. (14.) The abſolute Impoſſibility of Tranſubſtantiation demonſtrated. (15.) Bp. *Ridley*'s Letter to Bp. *Hooper*, with ſome Obſervations on it. (16.) A Letter from a Freeholder, to the reſt of the Freeholders of *England.* (17.) Religion founded upon a Rock. (18.) The True Mother Church.

An *Argument* proving, That the Abrogation of King *James* by the People of *England* from the Regal Throne, and the Promotion of the Prince of *Orange*, one of the Royal Family, to the Throne of the Kingdom in his ſtead, was according to the Conſtitution of the Engliſh Government, and *Preſcribed* by it. In Oppoſition to all the falſe and treacherous Hypotheſes, of Uſurpation, Conqueſt, Deſertion, and of taking the Powers that *Are* upon Content.